

U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
OFFICE OF ENVIRONMENTAL EVALUATION

AND

ARGONNE NATIONAL LABORATORIES

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PUBLIC COMMENT MEETING
FOR THE DRAFT PROGRAMMATIC
ENVIRONMENTAL IMPACT STATEMENT
FOR ALTERNATIVE ENERGY DEVELOPMENT
AND ALTERNATIVE USE OF EXISTING FACILITIES
ON THE OUTER CONTINENTAL SHELF

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Tuesday, April 24, 2007

7:00 p.m.

Young Auditorium
Bey Hall
Monmouth University
West Long Branch, New Jersey

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P-R-O-C-E-E-D-I-N-G-S

7:00 p.m.

MR. GASPER: Thanks Maureen. So now we turn to the part of the meeting that's your part of the meeting. This is your opportunity to comment on the Environmental Impact Statement as it is in draft form to raise some of those issues that Maureen highlighted and make any other comments you think are pertinent to development of the program for development of alternative energy and alternate use in the Outer continental shelf. We would like to establish some, sort of rules, the rules for commenting here tonight. First of those is if you do plan to make comments that first you register outside. I know several of you are planning to make comments. You've already registered. But if there is anybody that has come in late and you haven't registered, please go out and do that so we can have the information to support the record for the EIS. You can also use -- you can comment in written form tonight by filling out the comment form that can be found out at the registration desk. If you haven't picked up that form already, think of something you want to comment on, stop by the registration desk, pick it up and you can turn that form in to anybody

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1 here who's got a name tag and it will get submitted
2 and recorded and used in development of the final EIS.
3 And again you can take that written comment form and
4 mail it to the address that's already on the comment
5 form. So, but commenting here tonight or in oral
6 fashion, again we ask that you sign up. We've already
7 talked about that. When do you -- when it is time for
8 you to make the comment, if you would please come
9 down, you can see there's a microphone here and a
10 microphone there. If you would come down, state your
11 name and your affiliation so that the court reporter
12 can record that, get everything straight. And then
13 make your comment. We ask that initially you try to
14 keep your comments to about three minutes. Now
15 clearly that's our guideline for when we have 150
16 people in the room the size like this. Tonight I think
17 we will probably have a little more flexibility than
18 that, but those are the guidelines. And we would
19 appreciate it if you would limit your comments to the
20 scope of the EIS. There are certain many things going
21 on related to development of energy in the outer
22 continental shelf and in state waters that are
23 important but they are not the focus of this effort
24 here tonight. So please do limit your comments to the
25 programmatic EIS. So at this point in time I would

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1 like to open up the public comment period and --

2 UNKNOWN SPEAKER: Is there time to ask
3 questions to follow up on and I would like to go back
4 and schedule that August of 2007?

5 MR. GASPER: August of 2007, yes.

6 UNKNOWN SPEAKER: Four months from then.

7 MR. GASPER: Okay. All right. Without
8 any further ado then, first speaker, Glen Arthur,
9 Chairman of the New Jersey Council of Diving Clubs.

10 MR. ARTHUR: I asked you not to make me
11 first.

12 MR. GASPER: That's what you get for
13 showing up first.

14 MR. ARTHUR: Thank you. As the gentleman
15 stated, my name is Glenn Arthur, New Jersey Council of
16 Diving Clubs on Sherman. In going through the
17 sections of the EIS that pertain to our sport, we
18 would ask that you add a little bit to it as far as
19 under your summary in the beginning, your cumulative
20 impacts of the proposed action. We would ask that you
21 add in recreationally behind the words commercial
22 where they describe fisheries to include both anglers
23 and ourselves in the summary. There's two points on
24 that. And also in Section 4.2.14.2, benthic
25 communities, adding in recreationally behind the word

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1 commercially where it describes important species. I
2 kind of feel that we got left out on that section.
3 There is also a portion of the summary which says
4 development is expected to occur nearer to shore where
5 maximum water depth would be 100 meters, which
6 translates to 328 feet or less for wind and wave
7 technologies and I'm sure you are aware, New Jersey
8 has had a series of hearings, two years ago, our blue
9 ribbon panel, they had handouts given by the
10 Department of Environmental Protection which stated
11 "this technology requires relatively shallow waters
12 less than 80 feet deep" and these were referring to
13 the monopoles that were displayed earlier. Also in
14 the summary section on technology testing states "in
15 the United States developers would likely skip the
16 pilot and demonstration phase and move directly to
17 commercial operation." I believe this means that it
18 would have been a larger final product rather than a
19 demonstration phase. That's at least how we interpret
20 that. There is also the little discrepancy here. You
21 mentioned in Section 5.2.11.4 under operations "there
22 is a special" -- I'm sorry. "There is a possibility
23 that major projects that cover large areas, estimated
24 projects areas of 10-60 kilometers square, 4-25 miles
25 square have been reported with multiple platforms

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1 disbursed within the project area could result in
2 substantial changes in the abundance and diversity
3 organisms within the area. I'm wondering if -- we're
4 wondering if this sense of benchmark for the size of
5 the wind farms. And the major portion and this gets,
6 I don't know if I should just quote the section titles
7 or read the whole quote because this is going to get
8 long here. You are rather contradictory in where and
9 how you are going to police the areas of the wind
10 farms. There is multiple sections that talk of
11 exclusionary zones. One of the least of which says
12 consequently the amount of area that would be lost to
13 fishing activities from a single isolated wind tower
14 would be very small comparative to similar surrounding
15 habitat even if a exclusion area with a radius of 500
16 meters, over 1,600 feet was designated for safety
17 purposes. And yet there's also a section in here
18 which as I had said a moment ago, is 4-23 square
19 miles. That's a little contradictory. You talk about
20 individual turbine with that small an area, fine.
21 Where you are talking wind farm, up to 23 square
22 miles, that could be possibly excluded and in all but
23 two sections that I was able to find, you mentioned
24 total exclusion of both commercial and recreational
25 fishing vessels. And yet in several sections it

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1 mentions that, where is it. In fact because the towers
2 associated with the OCS wind energy structures would
3 likely service artificial reefs and attract species of
4 pelagic and demersal fish that are popular with
5 recreational anglers, project areas could become
6 recreation fishing areas. And there is a section that
7 also under your analysis of the proposed action in
8 this alternate table 7.1.1-1, land use and existing
9 infrastructure, commercial shipping would be excluded
10 within the facilities but other uses e.g. recreational
11 fishing would be possible. I mean, with the exception
12 of the commercial sector, these statements do
13 contradict each other, and that's one of the biggest
14 concerns divers have. If you put these square miles
15 worth of area farms out there and exclude vessels, our
16 sport in that area is going to die. I mean, granted
17 you have mandates in there that say you are not going
18 to be around artificial reefs, you are not going to be
19 around, we don't have any NPAs or very few and most
20 are in-shore areas of protection that you would avoid.
21 Most of our diving is done within three miles and in
22 waters that have no protection. Granted, I'm sure,
23 you are not going to put it out near some of the major
24 wrecks that we dive on, but you could put them in the
25 area and therefore exclude us. And as I said, you are

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1 contradicting yourself in the EIS. You are going to
2 allow recreational use. Thank you.

3 MR. GASPER: Thank you. Glenn, are you
4 going to submit those written comments.

5 MR. ARTHUR: Yes.

6 MR. GASPER: Great. Okay. Thank you.
7 Okay, next on the list is Kevin Hassell with the New
8 Jersey Department of Environmental Protection.

9 MR. HASSELL: Good evening. My name is
10 Kevin Hassell. I'm with New Jersey's Coastal
11 Management Program. Tonight I am making my comments
12 on behalf of the New Jersey Department of
13 Environmental Protection. We are pleased to have the
14 opportunity to comment on the draft programmatic EIS
15 and we appreciate the efforts by MMS that has
16 obviously gone pertaining to this document. At the
17 same time we realize that much hard work by MMS on
18 this issue remains. My comments of this evening are
19 preliminary and the department will furnish more
20 specific written comments soon in response to the
21 programmatic EIS posting. Both the current economic
22 and environment concerns regarding pronounced gas
23 emissions have created substantial interest in the
24 development of renewable and alternate energies.
25 However, suitable sites for trading land base

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1 renewable energy facilities in the vicinity of major
2 land centers are often scarce and were unavailable.
3 The situation has spread considerable interest in
4 potential offshore resources, such as wind, waves and
5 currents and New Jersey is no exception. New Jersey
6 is moving forward with bold initiatives that recognize
7 the effects of our energy use upon the environment.
8 One progressive action is Governor Corzine's recent
9 executive order number 54, which calls for aggressive
10 reductions in statewide greenhouse gas emissions.
11 Another significant step is updating New Jersey's
12 Energy Master Plan, which is being undertaken by New
13 Jersey's Board of Public Utilities. Renewable energy
14 technologies coupled with conservation energy
15 efficiency hold great problems in providing for our
16 energy needs. New Jersey fully supports the
17 development of offshore alternative energy facilities
18 that are compatible with our natural resources, our
19 tourism economy and critical existing uses, such as
20 shipping, navigation and fisheries. Establishment of
21 the alternate energy related use program is an
22 important step regarding regulation of offshore energy
23 facilities on the outer continental shelf. New Jersey
24 is concerned about the absence of baseline data for
25 the variety of species, including birds, fish,

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1 mammals, reptiles, some of which are in danger or
2 threatened that may be affected by the construction of
3 offshore facilities. Information regarding essential
4 habitats, migration patterns and behavioral responses
5 of species to habitat alterations must inform
6 decisions with regard to the appropriate placement of
7 offshore facilities and is essential to the successful
8 implementation of this program. Perhaps more
9 difficult to quantify are the cumulative impact of
10 decisions. The actual impact of this program will not
11 be fully evident within the time frame discussed in
12 the EIS but rather many years in the future. I would
13 like to emphasize that New Jersey strongly feels that
14 cumulative impact analyses are an essential element
15 that must be considered in siting offshore energy
16 projects. The Department of Environmental Protection
17 looks forward to pursuing technical and call sharing
18 opportunities with MMS to advance these goals of
19 environmental responsible offshore energy production.
20 The department is pleased to announce that the
21 division of science, research and technology issued
22 its elicitation for research proposals less than a
23 week ago on April 19. The objective of this
24 approximately 4.5 million dollar study slendered with
25 the approval of Governor Corzine is to conduct these

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1 baseline studies in the waters off New Jersey's coast
2 to elucidate the use of the area by marine and marine
3 associated species. This investigation will include a
4 collection of data on the distribution, abundance and
5 migratory patterns of avian and marine mammal, sea
6 turtles and other species in the study area during an
7 18-month period. The SRP can be viewed online at
8 www.nj.gov/dep/dsr. The department established an
9 internal technical review committee, which was
10 responsible for drafting the SRP and will review the
11 proposals and select a contractor to undertake this
12 important work. Because of the importance of this
13 project, New Jersey felt it was appropriate to request
14 the involvement of federal agencies including the
15 National Marine Fisheries Service, United States Fish
16 and Wellness Service and of course MMS. Once again
17 the department would like to thank Minerals Management
18 Service for agreeing to serve as part of New Jersey
19 review committee. The baseline ecological study, such
20 as the one New Jersey has initiated, are essential to
21 an appropriate and functional alternative energy
22 program on the OCS. We vigorously encourage MMS to
23 urge other states to undertake similar endeavors. In
24 the future, New Jersey hopes to continue its
25 relationship with MMS as a funding partner in

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1 examination of essential offshore energy facility
2 issues. New Jersey has recognized that we face
3 serious growing threat from climate change and that
4 must be addressed and New Jersey has set out to be a
5 leader in developing cleaner renewable sources of
6 energy that will contribute to mitigating this threat.
7 In considering the proposals for generating energy
8 from alternative sources in OCS, we must be vigilant
9 to the potential for unattended consequences, we
10 should require a comprehensive EIS rich project and
11 then proceed secure in the knowledge that we have
12 fully considered the consequences of each proposal and
13 practical alternatives. Thank you for your efforts in
14 addressing this complex issue.

15 MR. GASPER: Thank you. Next speaker,
16 Dan Lieb, New Jersey Hurricane -- excuse me Historical
17 Divers Association Shore Aquatic Club.

18 MR. LIEB: I'm the current president of the
19 New Jersey Historical Divers Club and the vice-
20 president of the New Jersey Historical Divers
21 Association and a vice-president of the Shore Aquatic
22 Club. Shore Aquatic is a social club recreational
23 dive group that has concerns about the use and overuse
24 of the ocean in our area. But the New Jersey
25 Historical Divers Association takes a different

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1 approach to that. We are concerned about the cultural
2 resources that are out there and access to those
3 resources. But, I just want to make a quick little
4 map here. Long Island, the New Jersey Coast. This
5 has, as you all notice, the New York bite. We have
6 three major shipping lanes that converge in a very,
7 very tight area here between Rockaway Point and Sandy
8 Hook. This is, unlike many other areas off the coast
9 of the United States and other areas around the United
10 States, this is a particularly unique area or
11 certainly there are a few areas that are like this.
12 When you look at areas like Florida, which is a big
13 point of land that people navigate, they try to keep
14 clear of it, except for some of the coastal port
15 areas. When you look at areas like Cape Code, when
16 you look at areas like North Carolina, there are
17 points of land that go well out into the ocean that
18 people choose to avoid. What's interesting about our
19 area is that this is like a funnel. This is where
20 everyone wants to get and because of that we have
21 three major shipping lanes converge on this area and
22 there's an enormous amount of traffic coming into this
23 area. Not going by it or not only going by it, but
24 coming in and out of this area. There is a tremendous
25 amount of shipping traffic. When you talk about the

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1 wind turbines, in particular, and you talk about
2 putting these things up in water that is about 80 feet
3 deep, you are pretty much covering this entire
4 shipping lane here and most of this shipping lane
5 here. Historically, for the past three hundred years,
6 there's been an enormous amount of shipping coming in
7 and out of the port of New York and Port Elizabeth,
8 Port Newark, and consequently you've had a high number
9 of shipwrecks. People in North Carolina will say,
10 well there's 6,000 shipwrecks off of North Carolina
11 but that covers a very broad area. There are 5,000
12 documented shipwrecks that have occurred in this area
13 and they are all very close to shore. They are all in
14 a very tight area, and most of them occurred in these
15 shipping lanes, due to collision, structural fatigues,
16 storms. Most of the wrecks concentrate in this area
17 here between about the 80-90 foot line and the coast.
18 There are a lot of wrecks that are piled up along the
19 shore here, in New Jersey, and along the shore here in
20 Long Island. If these windmill pylons, if these
21 towers are going to occur in 80 feet or less water,
22 they are going to be in an area that has a
23 concentration of shipwrecks. If they are going to
24 occupy, like an area of bottom that's five by five,
25 maybe 25 square miles, there are going to be a --

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1 certainly they are going to begin to affect our access
2 into these areas where there are shipwrecks.
3 Shipwrecks that we visit for recreational purposes.
4 Shipwrecks that we study for historical and
5 archeological purposes. Shipwrecks that we fish
6 because there are fish that live on it, recreational
7 fishermen want to get to these three resources and the
8 fisherman that want to fish between them, the
9 draggers, the clammers, the lobstermen that want to
10 put their rigs off these wrecks or they want to drag
11 their rigs between these wrecks. They don't want to
12 snag the wrecks. They don't want to lose thousands of
13 dollars worth of equipment on these sites. They want
14 to avoid it. So you've got people that want to use
15 the sites and people that want to use the areas around
16 the sites. We consider these resources to be multi-
17 user facilities. Everybody wants to use them. And
18 when you quartered off an area and say no, no, no, you
19 cannot get into this area. You can't go slaloming
20 between these things like a skier going down a hill
21 because you are going to collide with our facilities.
22 We say the area is too large. To me, it seems the
23 best thing to do is to not utilize this area because
24 it is such a high traffic area and such a heavily used
25 area that you are only going to be overcrowding.

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1 People want to put a natural gas island out here.
2 People want to put windmills out here. People want to
3 put artificial reefs out here. People want to
4 restrict people from using those artificial reefs by
5 establishing sanctuaries. The area is so heavily
6 burdened, I don't know how much more it could take.
7 Of course I am being a little emotional when I say
8 that, but that's where studies come in to find out
9 exactly how much it can take. So the points that I
10 wanted to raise were that this is a very tight area to
11 be establishing this sort of technology. Perhaps the
12 Gulf might be better. It's broader. It's more open.
13 You have shallower water for much greater distances
14 out at sea. Multi-user resources. You are going to
15 start cutting into the wrecks, the reefs that we have
16 available to us. Overuse as I mentioned, everybody
17 wants to build something out here or establish
18 something out here. Some zone to exclude. Some zone
19 to include. I also might add that although I really
20 am in favor of windmill technology, I think it is
21 fantastic. I'm not necessarily convinced that the
22 ocean in New Jersey is the best place to establish
23 windmill farms. I think that there are plenty of
24 areas within the state that would be ideal for it and
25 readily available. Thank you.

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1 MR. GASPER: Thank you. Next speaker is
2 Tim Dillingham with the American Littoral Society.

3 MR. DILLINGHAM: Good evening. First let me
4 congratulate you as being the first folks that I have
5 seen that have held a hearing involving offshore wind
6 and didn't attract an enormous crowd. In addition,
7 again Tim Dillingham. I am the executive director of
8 the American Littoral Society. We are a membership
9 based national conversation organization dealing with
10 coastal issues. We have offices in New York, New
11 Jersey, Florida. I also served by appointment of
12 Government Cody on New Jersey's Blue Ribbon panel for
13 offshore wind development, which I think Glenn
14 mentioned earlier on. I guess I will do formal
15 comments, written comments on the EIS and submit those
16 to you in the time frame, as well. But I wanted just
17 to, I guess touch on a couple of criticisms in reading
18 through this. I think part of this grows out of what
19 I read in your documents as to the role and function
20 of the preliminary EIS, programmatic EIS. And that
21 is, the framework there is, there is this document and
22 it's very, very generic and very broad, very general
23 and lacking in facts that are specific to the waters
24 in which these facilities or operations might be sited
25 and operated at one level. And then the next level of

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1 review and establishment of decision criteria would be
2 at a project level. And there is tremendous gap in
3 there. I think it goes to the concerns or the issues
4 that the state just raised about really the judgments
5 on risks and the acceptability of the impacts or even
6 being able to predict the impacts of these kinds of
7 proposals is really tough to determine on a case by
8 case basis. One windmill or one ocean turbine has a
9 very different set of impacts across that range of
10 resources, industries, users, and interests which are
11 identified than does one field of 200 as being
12 proposed off the state of Delaware or a series of 140
13 off of Cape Code, 200 of Rhode Island, 40 off of Long
14 Island, any where between 80 and 1,000 of New Jersey,
15 depending on which benchmark you use, 200 off of
16 Delaware, Virginia, on down the line. And so what the
17 EIS fails to do, even though it acknowledges the
18 necessity of that kind of analysis is to do that
19 analysis. So I think that it's conclusions on risks
20 that ultimately the implementation of this program
21 would only result in negligible or minor risks that
22 could be mitigated is really unfounded by any analysis
23 that will lead you to be able to responsibly make that
24 conclusion. There are also, I think, throughout the
25 document, a number of factual errors and deficiencies.

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1 There are under estimated or over estimations of the
2 potential of alternative energy to displace fossil-
3 based fuels, sort of sweeping statements made about
4 how it might happen. All of those opportunities, if
5 you want to call them that, are premised on the idea
6 that you can site these facilities in a way that the
7 tradeoffs or the impacts of the existing resources are
8 there, the existing uses of the ocean are acceptable.
9 You know, we sort of operate on the premise that you
10 don't trade one resource for the other. So, in our
11 desires to address the reduction of greenhouse gases
12 or to provide for capacity next to load centers. We
13 don't trade away the ocean. We don't trade away its
14 resources. Particularly when you do a hard objective
15 analysis of the ability to integrate some of these
16 alternative technologies or alternative generation
17 methodologies into a grid based electrical system, you
18 find that those benefits are fairly small and in fact
19 there are a number of options that could provide the
20 capacity there that are probably much less expensive
21 to the public. When you look at the economics and
22 look at the numbers of particularly offshore wind, I
23 don't think anybody will try to argue that it can't
24 happen without a tremendous amount of public subsidy
25 either through tax credits, either through regulatory

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1 mechanisms such as the environmental credits to go
2 with the renewable portfolio standards and that money,
3 that public money might be better invested in other
4 places. That type of alternative I did not see in the
5 EIS. But again, I think the fundamental flaw is that
6 the EIS doesn't establish a benchmark or an overall
7 alternative energy development goal that it wants to
8 analyze these impacts around. And I think that was
9 very doable, at least at a certain level. Most of the
10 states, if we take the Atlantic region and the
11 Northeast, most of the states, I believe, are
12 participants in the regional greenhouse gas
13 initiatives, they have renewable portfolio standards,
14 all of which have linkages back to estimations of
15 power that these types of facilities ostensibly are
16 going to provide. So there is an ability to take that
17 benchmark or that goal, relay it back to the number of
18 turbines that you need at some given capacity factor.
19 The PJM Grid that feeds New Jersey only credits
20 offshore wind with 20 percent of the nameplate
21 capacity. Estimate how many turbines you are talking
22 about and the back of the envelope, we are talking
23 about thousands at times. Estimate how much ocean
24 area that it is going to occupy. Where it might be
25 located because as you recognize it can only be so far

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1 offshore. And then start to look at what the impacts
2 are going to be, where that's displacement of
3 traditional uses of the ocean or impacts upon marine
4 mammals, migratory birds or fisheries. EIS doesn't do
5 that. Again, so the conclusion of the document at the
6 moment that the risks are minimal is really, just
7 can't be supported by the methodology that's put out
8 there. On some specifics, there was a minimal, I
9 would say probably inaccurate evaluation of the
10 reactions of the visual impacts. There is a
11 unfortunate tendency to dismiss it as being trivial,
12 as being not in my back yard. New Jersey did, as a
13 result of the work that we did a couple of years ago
14 on offshore wind, commissioned a public opinion survey
15 and look at what the impacts would be on tourism,
16 visitation to the beach, which is a tremendous part of
17 New Jersey's economy. And they found that 12 percent
18 of the people that they surveyed would not come back
19 or not visit because of the visual impacts of the
20 turbines sited, I think mostly within three miles and
21 in that level of acceptable rose, the further out they
22 got, the less visual intrusion there was. When
23 Rutgers University then, in a separate study, related
24 that back to what a 10 percent decline in tourism
25 might mean in the four costal counties in New Jersey.

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1 It will cost 4,800 jobs, 134 million dollars in
2 review, 6.9 million dollars in local tax revenue. So
3 these are not insignificant numbers. The EIS gives
4 very, very minimal treatment to it and obviously some
5 of that information was readily available. Similar
6 studies have been done that associated with Cape Wind
7 up in Cape Cod. Again, the idea of exclusions,
8 exclusion areas, the European experience, at least in
9 the UK seems to be increasingly that they are moving
10 towards exclusion areas. Measure what that
11 displacement is. Measure whose being kicked out,
12 whether it is the recreational divers or commercial
13 fisherman. What does that displacement mean. There
14 are studies that have been done by national fisheries
15 service in relation to their closures for fisheries
16 management purposes where they are very good at
17 understanding what the micro economics are. You know,
18 the commercial fishing operations out of May Atlantic
19 are fairly small ports, even though Cape May is one of
20 the largest ports on the East coast. There are not a
21 lot of people involved so the impacts that they feel
22 from that kind of displacement are tremendous. There
23 is no discussion about the level of service vessels.
24 There is a discussion, I'm sorry. But I think it
25 underestimates the experience at Horns Rev where they

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1 programmed in two visits per turbine per year and
2 found they had five unscheduled ones because of
3 technical difficulties. All of the service vessels
4 have to go in some dock space somewhere and as anybody
5 knows it works on water dependent use protection.
6 Dock space for commercial boats is becoming more and
7 more scarce. So what is the displacement there.
8 Those types of issues were not dealt with and those
9 are the real ones that really ought to be brought into
10 play in this calculus because they are the ones that
11 are related back to the acceptability, back to the
12 alternatives and really are the things that need to be
13 done through this kind of work. So we will -- and I
14 guess lastly, the conclusion of the study, some say
15 that the findings of the mental impacts is based upon
16 this presumption that there can be proper siting and
17 mitigation but the EIS itself acknowledges that we
18 don't have the fundamental resource knowledge to
19 figure out what proper siting means. So yes, we can
20 set as performance goals so speak that we ought to
21 avoid migratory areas or marine mammals or that we
22 ought to avoid areas where migratory shore birds
23 congregate on upwellings, but we don't know where
24 those are. So, again, to conclude that there is
25 minimal risks with these types of mitigation presumes

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1 that you understand how that mitigation might play
2 out, which by your own admission in the document, you
3 don't have the information to do. So, thank you for
4 the opportunity to comment. As I said, we will put
5 all of this in writing and submit it by the end of
6 next month.

7 MR. GASPER: Thank you. The next speaker
8 is Cindy Zipf from the Clean Ocean Action.

9 MS. ZIPF: Thank you. Gifts. Again, thank
10 you for the opportunity for tonight. My name is Cindy
11 Zipf, Z-I-P-F. I work at Clean Ocean Action, which is
12 a coalition of organizations, around 150 organizations
13 that work to improve and protect the waters off the
14 New York and New Jersey coasts. And it came together
15 because of very significant water quality and ocean
16 pollution issues that we were facing in the 80s and
17 90s and ocean dumping activities, industrial proposals
18 for offshore oil and gas developments, strip mining.
19 There was an awful lot of industrial interest in the
20 region and the organizations came together to fight
21 back against these industrial uses because of the
22 economic value in a clean ocean and in a healthy ocean
23 and one that provides a place for marine life to
24 thrive. So as we look at new initiatives, we have a
25 careful eye. And as a result of those citizens and

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1 that work we were able to beat back all of these
2 industrial and pollution related activities and thus
3 the coalition is very keen on any kind of activity to
4 come to New York/New Jersey region to ensure that it
5 is protective of ocean resources and that it invokes
6 the ideas and themes of the precautionary principal.
7 And as you are well aware, there were two recent
8 studies, one by the Pews Oceans Commission and the
9 other by the U.S. Ocean Commission on ocean policy
10 that both highlight the dire condition of our ocean
11 resources here in the United States. So there is an
12 added responsibility to be careful and prudent in any
13 type of activity that's engaged in. And this is a new
14 opportunity or new challenge that awaits the MMS. I
15 think it must be extremely challenging to take on such
16 a vast and really undefined scope of activity out in
17 the ocean. So I can't imagine how challenging it must
18 be but nevertheless we need to meet the expectations
19 of the public and I think you heard a great synopsis
20 of some very important issues from my colleagues and
21 the state earlier and one of the benefits of going
22 later is I can skip over some of my comments because
23 some of them are the same. But I would just like to
24 emphasize that this PEIS is a massive initiative
25 contemplating implementation of numerous technologies

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1 that are either untried on a commercial scale anywhere
2 in the world or have limited experience in some parts
3 of the world, such as wind, and I think Maureen did an
4 excellent job of identifying that. We talk about
5 these technologies as frontier, as uncertain and not
6 mature and yet we are embarking on full scale
7 operations and I think we have to be very cautious and
8 take a step back and not necessarily view this as full
9 scale implementation. I would like to say from the
10 outset in getting into the specifics of the PEIS that
11 we applaud MMS for their commitment to requiring
12 specific EIS under NEPA for each individual program --
13 project. I think that's really important. But I
14 think as you heard earlier that we agree that the PEIS
15 is flawed, incomplete and lacking scientific
16 justification for the statements regarding ecological
17 impacts, assessments and conclusion. And so in -- we
18 feel that you have a lot of work to do in order to
19 address a lot of these deficiencies and that the idea
20 that this final EIS is going to come out in four
21 months. It raises questions about, to us, about where
22 our concerns are going to be taken to their fullest,
23 you know, to explore them to their fullest and be able
24 to incorporate much of the information. I think what
25 you have heard today, tonight already is, you know,

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1 requires a great deal of scientific evaluation and
2 economic evaluation and what have you. So, I'm not
3 sure how you are going to meet that time line. I know
4 there are regulatory or legal requirements under the
5 law for regulations but I think this is really prudent
6 to be careful and I think Congress should be told
7 that, you know, if it can't be done, which I think
8 based on what we know today, coming up with a program
9 in a short time frame in which they provided in the
10 legislation is just not possible. Just a couple of
11 specific examples. Again, I concur that you know, in
12 the PEIS you've stated that the impacts are expected
13 to be negligible to minor. We couldn't disagree more
14 and you know, for example, you know, there are only
15 nine offshore wind turbines in the entire world that
16 over three miles offshore. Recent data has become
17 available from the experience off of Denmark that
18 raises serious questions about ecological impacts.
19 Fish migration over transmission lines, birds avoiding
20 areas. So I think those studies need to be taken into
21 consideration and you know, they cannot be described
22 as negligible to minor. Again, on the frequency of
23 maintenance trips, the PEIS states that human activity
24 will be relatively low on the wind turbines. Well,
25 the Long Island Power Authority did their, in their

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1 planning document said that there would be over 400
2 trips per year to the wind turbine facility that
3 turbines and as Tim Dillingham pointed out, there were
4 over 75,000 trips to Horns Rev and those were by
5 helicopter. When you start to imagine the emissions
6 coming from these trips, you know, those have to be
7 added into the overall goal of reducing fossil fuel
8 emissions and to that point, you know, the no action
9 alternative sites, the fact that we are going to have
10 a lot more impact from emissions from coal and natural
11 gas et cetera. But again, the PEIS does not provide
12 any evidence to that statement and nor does it clarify
13 how alternative energy production on the OCS will
14 reduce that impact. And I think those are real
15 questions that we are finding as we evaluate our own
16 projects off New Jersey. I think, also, as to concur
17 with Tim Dillingham that really energy efficiency and
18 conservation are given short shrift in terms of
19 balancing and looking at another alternative. It's
20 just not all industry. There's other efforts that can
21 be undertaken. In short on the cumulative impacts
22 because they have been stated, we were really
23 disappointed with the lack of the comprehensive view
24 that MMS has in their PEIS to evaluate the cumulative
25 impacts. I mean, a PEIS should look at those impacts

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1 from a reasonably foreseeable future, so from seven --
2 to seven years, but in this case beyond that because
3 once they are built they are going to be long term
4 facilities. So, the final PEIS must fully explore and
5 quantify and describe and assess the cumulative
6 impacts and ecological impacts of multiple energy
7 production facilities. And not just wind turbines, as
8 Dan Lien said, we've got LNG facilities that are
9 proposed up and down the coast. There are other waive
10 energy facilities that are proposed. Current energy
11 facilities using the currents of our ocean. So there
12 is a multiple affect as well. I think finally I would
13 just mention that another part of the Energy Policy
14 Act of 2005 was to engage the National Academy of
15 Sciences in assessing what energy resources there are
16 offshore and I'm not -- I don't know if you can answer
17 a question, but I'm not sure whether or not that is
18 well underway or not, but you know, they were to, NAS
19 was to complete this study, providing information on
20 offshore energy resource potential and recommendations
21 on the statutory and regulatory mechanism for
22 developing these resources. This would be a very
23 important pool of information, of scientific
24 information. But that study may take two or more
25 years. So it's not clear how MMS will incorporate the

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1 requirements under that study into their assessment.
2 They may find out a lot of information that would have
3 been helpful in developing the PEIS and in the rules
4 and regulations that are being considered. So, again,
5 in conclusion, you know, we question the details and
6 we will be submitting more formal and detailed
7 comments on more specificity of the concerns but it's
8 just not -- we don't understand how you are going to
9 resolve these issues and really allow us to feel that
10 they've been taken into consideration when the final
11 EIS is just four months away. So, thank you again for
12 the opportunity and thank you.

13 MR. GASPER: Thank you. Look forward to
14 further comments. Is there anyone else who would like
15 to comment tonight? Yes sir.

16 MR. COHEN: Thank you. My name is Daniel
17 Cohen. I am with Atlantic Capes Fisheries. I am
18 speaking here tonight on behalf of Garden State
19 Seafood Association and my comments are brief. I have
20 a few questions. We will be submitting written
21 comments. One of the things I am doing here is --
22 well I guess my first series of questions would be --
23 this is a request. Is it possible to get from
24 Minerals Management the copy of this power point and
25 your previous power point from the previous hearing

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1 that you had at Monmouth State College, Monmouth
2 University?

3 MR. GASPER: Yes, they're on the MMS
4 website.

5 MR. COHEN: Okay.

6 UNKNOWN SPEAKER: Not this one though.

7 MR. GASPER: This one is not, correct.

8 UNKNOWN SPEAKER: Will you post this one?

9 MR. GASPER: Yes we will.

10 MR. COHEN: Pretty soon or do you know
11 when?

12 MR. GASPER: In the next couple of weeks
13 it will be up there.

14 MR. COHEN: Okay. You mentioned that the
15 final EIS will be available, you think on August 2007?

16 MR. GASPER: Correct.

17 MR. COHEN: Does that mean -- when would in
18 this context of preparing documents you are preparing,
19 when would Minerals Management be open for
20 applications?

21 MS. BORNHOLDT: When the final rules are
22 out and the final rules -- we're projecting to come
23 out with a proposed notice of rule making at the end
24 of the summer. And then there will be a comment
25 period for the NOPER, Notice of Repulse Rule Making.

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1 And if you check the MMS.gov website we have the time
2 line for that out there. Off the top of my head, I'm
3 sorry, I can't tell you, but I know that the NOPER is
4 coming out the end of the summer.

5 MR. COHEN: Okay. So I could look on the
6 website to see it.

7 MS. BORNHOLDT: Yes, MMS.gov.

8 MR. COHEN: Whatever time line is there now
9 would be modified so it would start from August 2007
10 as the key because that would be when you would
11 publish the proposed regs and then there would be a
12 public comment period. It is listed there to give an
13 idea of when it would be available for applications.
14 My simple comments tonight would be that the
15 commercial fishing industry obviously is very
16 concerned about the impacts of offshore wind on the
17 fishing industry. I have not taken the time yet to
18 look at your total programmatic EIS although I have
19 looked at a redacted version that was given to me
20 tonight and had a few comments. It is interesting
21 that, I think actually on my first blush that there's
22 a good bit of honesty here in terms of the document
23 that I have read so far and that is, is that the
24 document does point out that in probability the
25 construction of the wind parks would require exclusion

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1 of commercial fishing vessels. I am looking at your
2 5.2.4.4 and your 5.2.4.6, which both talk about that
3 in all likelihood commercial fishing vessels would be
4 excluded from the area. And clearly for the
5 commercial fishing industry of New Jersey and probably
6 commercial fishing industry within the country, this
7 would be a consideration. For New Jersey, if you look
8 at the areas which are within the scope of offshore
9 wind, which you have talked about in terms of 80 or a
10 100, up to 50 fathoms, we are looking at basically the
11 most productive surf claim and ocean habitat within
12 the country, 50 percent to 90 percent of the surf
13 claims in the country come from that area. So
14 clearly, we are concerned about the impacts to our
15 fisheries. At the same time it is clear that, in your
16 7.5.2.3, you have actually minimized the impact of the
17 industry by saying that there would be minor to
18 moderate impacts. Well, it's really I do not believe
19 that these impacts will be moderate or minor, at least
20 to our industry. It might relative to someone else's
21 industry but to our industry it could be major. The
22 industry itself is thinking about how do we respond,
23 both to your EIS and we will be submitting comments
24 between now and the date of the May 21, but the
25 reality is, is that we are also trying to figure out

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1 how to think outside the box because the reality is
2 Cindy Zipf spoke about cumulative impacts. I don't
3 believe you can model the cumulative impacts because
4 you don't yet know whether as the Littoral Society
5 said, are we building one tower or are we building 100
6 or 140 or 200. And are you building one park of 200
7 off of Delaware or are you building multiple parks
8 from Delaware all the way to the tip of Long Island?
9 And facts, you can't model that since you don't know
10 the choices people will make. You can't really
11 determine what the impacts are and you can't really
12 therefore say what the impact will be to individual
13 fishing industries or ports throughout New Jersey or
14 the coast wide. And therefore, the traditional way of
15 looking at this, we believe, is fundamentally
16 impossible to predict and may not be the correct
17 response by both the commercial fishing industry and
18 by people thinking about developing this offshore wind
19 resource because again looking at the comments and
20 predicting where things could go, there may be
21 opportunities to recreationally fish amongst these,
22 maybe not or maybe. Again, your document says there
23 may not be but the probability is there will be. The
24 document -- there will be some impacts upon diving, et
25 cetera. And then at the same time it is clear from,

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1 I'm sure your guidelines, that people are not going to
2 be putting towers directly on archeological sites and
3 therefore there will, if you do not exclude people
4 from diving amongst them, which probably around the
5 world has not happened, access would be maintained.
6 But the one user group who will be significantly
7 impacted, will be mobile gear fishermen and we believe
8 that so far, what we've seen, does not adequately
9 address it, both in terms of what you have written but
10 more importantly conceptually because I don't think we
11 can really conceive the future, not knowing the
12 development of technology and not knowing the
13 cumulative impact of cumulative technologies, i.e.
14 buoys, wave attenuators, wind turbines under the water
15 and wind turbines above the water -- I mean wave,
16 tidal turbine or below the water current turbine and
17 wind turbines above the water. Now all of these are
18 basically, you know, fixed gear in another area where
19 other fixed gear fishermen are working and other
20 fisherman are working and they are potentially the
21 only significant impact that I see. So, I am just
22 very basically giving the place order to say we are
23 here. I am happy that you are taking our comments.
24 We hope to be able to submit more comments in writing
25 by May 21. Thank you very much.

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1 MR. GASPER: Thank you. Anyone else who
2 would like to make comments here tonight? Okay. In
3 that case, thank you for all coming. The meeting is
4 officially closed.

5 (Whereupon the foregoing Public Hearing was
6 concluded at 8:08 p.m.)